

## F I L I A N T C O O P E R A T I O N T R E A

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
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1. The following indications appeared on record concerning:		
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INTERNATIONAL COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

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United States Patent and Trademark  
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Applicant:

MCEWAN, Rick et al

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in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was



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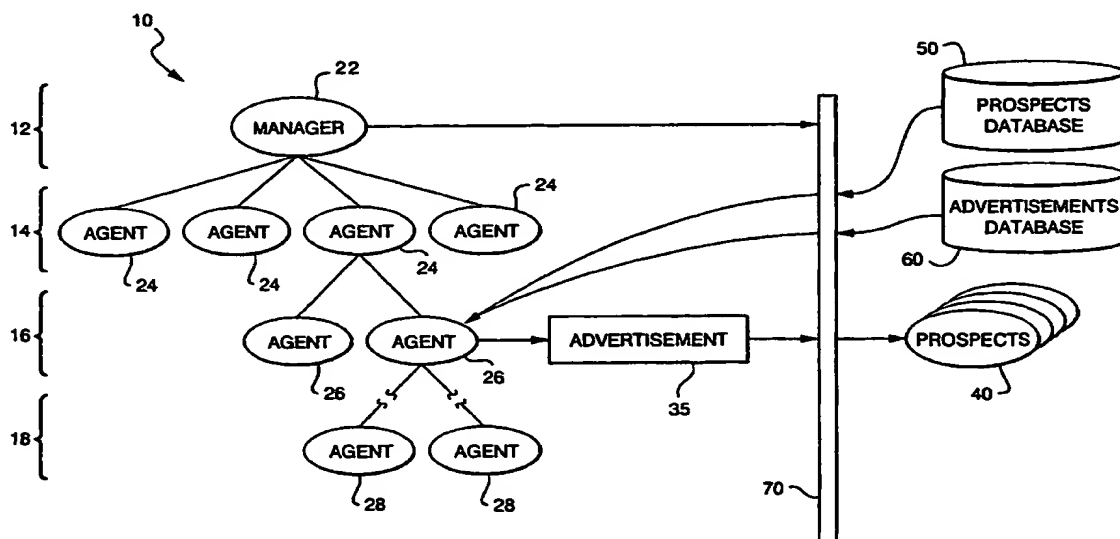
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**(54) Title:** AGENT MANAGED VIRTUAL PROSPECTING



**(S7) Abstract:** A marketing agent (24) and a manager (22) work together on an advertising campaign, the marketing agent (24) selecting prospects and advertising messages (35), and sending the messages to the prospects, and the manager (22) exercising control over at least one of: (a) the set of prospect information provided to the marketing agent (24); (b) the set of advertising messages provided to the marketing agent (24); and (c) an authorized number of sends allocated to the marketing agent (24). The advertising messages can be virtually anything, from simple logos or banner ads to sophisticated video advertising messages having interactive recipient interfaces, multiple pages of advertising, or cross-branding. Recipient responses to the advertising are tracked, and at least some of the tracking information is provided to the sending agents to assist in both concluding sales and in improving their targeting skills.

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**AGENT MANAGED VIRTUAL PROSPECTING****Field of the Invention**

The field of the invention is electronic direct marketing.

**Background**

5           Electronic media has been used to broadcast advertising messages at least since the popularization of advertising message radio. Broadcast advertising is certainly capable of reaching huge audiences, but is difficult to customize for targeting of small groups, let alone individuals. Telephone advertising can be tailored to individual prospects by using a live sales agent, but telephone is not especially conducive to cost-effectively reaching large  
10       numbers of prospects.

          Popularization of the rich media World Wide Web made it feasible to reach large numbers of prospects, to customize the messages, and to handle feedback from individual prospects, all in a cost effective manner. This development gave rise to the term, "virtual prospecting", which is employed herein to mean the use of electronic media to deliver  
15       advertising messages directly to individual prospects. In the very recent past virtual prospecting was combined with electronic advertising messages (e-advertising messages) to provide both highly targeted messages and sophisticated tracking of prospect responses (see PCT/US99/23816, filed 12 Oct. 1999).

          Virtual prospecting has been phenomenally successful, with numerous advertisers  
20       taking advantage of the tracking function to resolve prospect concerns and thereby turn prospects into customers. One aspect that was not previously appreciated, however, is that the ease and independence with which sales agents can distribute e-advertising messages has management consequences. For example, where distribution of e-advertising messages is charged to an advertiser on a per transmission basis, over-zealous agents can incur significant  
25       charges that are not justified by increased sales. There are also management issues with respect to sales agents working from the same or overlapping lists, and sales agents making undesirable choices in matching specific messages with specific targets.

          Thus, there is an ongoing need to provide management control over virtual prospecting.

**Summary of the Invention**

Methods and systems of virtual prospecting are provided in which a marketing agent and a manager work together on an advertising campaign, the marketing agent selects prospects and advertising messages, and send the messages to the prospects, and the manager  
5 exercises at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent.

In various aspects of preferred embodiments the marketing environment includes at least two tiers, and more preferably involves many marketing agents who may be employed  
10 by multiple companies. The various marketing agents preferably use their own judgment in selecting prospects and advertising messages from common or at least overlapping databases, with the scope of the selections and/or sends being controlled in at least some manner by the manager.

The advertising messages can be virtually anything, from simple logos or banner ads  
15 to sophisticated video advertising messages such as those having interactive recipient interfaces, multiple pages of advertising, or cross-branding.

It is especially contemplated that recipient responses to the advertising will be tracked, and at least some of the tracking information will be provided back to the sending agents to assist the agents in both concluding sales and in improving their targeting skills.  
20 Tracking may advantageously include at least one of: (a) a length of time that the recipient viewed the message; (b) a length of time that the recipient viewed a portion of the message; (c) an address to which the recipient forwarded the message; and (c) a piece of information relating to a hyperlink contained in the message and utilized by the recipient.

Various objects, features, aspects, and advantages of the present invention will  
25 become more apparent from the following detailed description of preferred embodiments of the invention, along with the accompanying drawings in which like numerals represent like components.

**Brief Description of The Drawings**

Fig. 1 is a schematic of an embodiment of an agent managed virtual prospecting system.

Fig. 2 is a flow chart of a preferred method of conducting agent managed virtual prospecting.

**Detailed Description**

In Figure 1 a marketing environment 10 has multiple tiers including a first tier 12, a second tier 14, a third tier 16, and an nth tier 18. The first tier 12 involves only a single person, manager 22. The second, third, and nth tiers each have multiple agents 24, 26, and 28, respectively, that initiate sends (transmissions) of advertisements 35 to prospects 40, using information from a prospects database 50 and an advertising messages database 60. The manager 22 exerts at least some control over the activity of the various agents 24, 26, 28 through a restriction function 70.

In preferred embodiments, restriction function 70 operates on both the extent to which the various agents can access the prospects database 50 and the advertisements database 60, as well as the extent to which the various agents can send out advertisements 35 to recipients 40. For example, in one organization the manager 22 may divide the prospects in the prospects database 50 by agent, allowing only certain agents to access certain subsets of prospects. In the same or another organization the manager 22 may limit some agents to sending out a thousand advertisements 35 per day, while others are limited to only sending out five hundred advertisements 35 per day. Additionally or alternatively, there may similar access and activity limitations on the total downstream structure for specific given agents. there may also be multiple managers, that control different or overlapping downstream structures.

The marketing environment 10 is to be construed very broadly, and includes any environment that operates collectively to run an advertising campaign. The marketing environment 10 may thus comprise an advertiser, a single marketing company, multiple companies, or multiple individuals cooperatively engaged in running the campaign. The marketing environment may also comprise any combination of branch offices, divisions, inside or outside salespeople, independent contractors, distributors, and so forth, all of which may be linked together in any suitable manner. For example, elements of the marketing environment may be rigidly connected to a single mainframe in a local area network, linked by a virtual private network, or linked only in the sense that they can access common data. The various tiers 12, 14, 16, and 18 are optional, and all other suitable working relationships besides the tiers as shown are contemplated. Although the various tiers 12, 14, 16, and 18 are shown as having specific numbers of marketing agents, the specific numbers of tiers and numbers of agents depicted should not be seen as being limiting in any manner.

Despite the contemplated flexibility, however, the inventive subject matter herein contemplates a minimum involvement of two distinct entities, the manager 22 who may initiate sends of advertising, and at least one marketing agent that is managed by the manager. The campaign may or may not have a campaign manager per se, and even where a campaign manager is present, the manager 22 may or may not be the campaign manager. It is preferred that the manager 22 and various marketing agents would all be human beings rather than machines or software, but such is not mandatory. The manager 22 may in fact, advantageously comprise a computer.

The prospects database 50 and the advertising messages databases 60 may independently be entirely proprietary to one or more of the advertisers, the marketing environment 10, individual agents, or may be obtained from an outside source. It is also contemplated that the prospects database 50 may comprise some or all of a co-sponsorship database as described in PCT application serial no. PCT/US99/22952 filed October 12, 1999, which is incorporated herein by reference.

In some instances there may be only a single advertising message listed on the advertising messages database 60, but in most instances there will be a plurality of advertising messages. In any event the marketing agent would usually select which advertising message to send to individual prospects based upon some additional information.

For example, a marketing agent may understand that a given prospect falls within a particular age or income range, or is a particular sex, and the selection of advertising message to send to that prospect may be made on that basis. It is also contemplated that an agent may select more than one advertising message for a given prospect.

5 With current technology the advertising messages on the advertising messages database 60 are very likely to be canned advertising messages that differ from one another by language, content, medium or in some other manner. It is contemplated, however, that the advertising messages can be dynamically customized to the prospect as set forth in PCT application serial no PCT/US99/23781, filed October 12, 1999, which is incorporated herein  
10 by reference.

The term "advertising message" is used herein in a very broad sense to mean any message intending to motivate a recipient to take an action favorable to an advertiser. Advertising messages may be logos, slogans, simple textual banner ads, but more preferably include rich-media graphics such as animation, a photograph or other image, or an audio  
15 tract. Still more preferred advertising messages include video and branding graphics. Especially preferred advertising messages will be those that communicate a value proposition communicated in 30 seconds or less. Currently the most preferred advertising messages include an audio tract, a video tract, branding graphics, and hyperlinks, all delivered in a single executable file. Advertising messages may also be included in a carrier having  
20 multiple pages, where the recipient can navigate between at least two of the multiple pages. These and other embodiments are as described in PCT application serial no. PCT/US99/23824, filed December 13, 1999, and U.S. Provisional application serial no. 60/159049, filed October 12, 1999, respectively, which are incorporated herein by reference. Still other preferred embodiments include "slide-show" advertising messages as described in  
25 previously filed application serial no. PCT/US99/23822 corresponding to attorney docket 604.09, which is incorporated herein by reference.

The term "advertisers" is used herein in the broadest possible sense, including any entity trying to impact the thinking or behavior of others. In many instances the desired impact will include motivating the recipient to purchase goods or services. In other instances  
30 the desired impact may be to cause the recipient to vote in a given manner in an election, or a



poll. In still other instances the desired impact may be of a very general nature, perhaps increasing societal awareness of alcoholism.

A major advantage of electronic direct marketing is that it lends itself readily cross branding. An advertisement for vacation trips to the Bahamas may include logos for a fast food chain, or swim wear, or even television shows dealing with travel. Not only does a single message provide impression for each of the multiple marketers, but the inclusion of multiple, well-recognized brands may lend credibility to a new brand, or may lend a certain image of modernity to an older brand.

Selection of prospects and advertising messages from the prospects and advertising messages databases 50, 60 by the marketing agents is preferably accomplished using a graphical interface (not shown) that operates on a local area network (LAN) using a common workstation, laptop, or other computer (not shown). The prospects and advertising messages are preferably drawn from databases 50, 60, respectively, which can reside virtually. There may even be multiple prospects and multiple advertising messages databases.

It is especially contemplated that the various selection processes include selecting individual items as well as groups of items. Thus, the step of the marketing agent selecting the recipient may include the marketing agent selecting the recipient as part of a group of recipients. Similarly, the step of the marketing agent selecting a message includes the marketing agent selecting a plurality of messages for co-transmission to the recipient.

Throughout this application it is stated that a marketing agent takes an active role in doing various things. This term "take an active role" is employed intentionally to convey the impression that the marketing agent need not be the only entity involved. For example, if a marketing agent is assisted in selecting prospects from the prospect database 50, the marketing agent is still considered to be taking an active role in the selection. The same holds true for selecting of advertising messages and sending of the messages. Thus, it may well be that a marketing agent will send an advertising message to a prospect directly through an e-mail interface, in which the message may included in the body or header of an e-mail, or in an attachment. However, the marketing agent may alternatively only designate prospects and advertising messages, and the actual transmission of the messages is under the control of the

manager, or a third party electronic mailing house. The marketing agent taking part would still be considered to be taking an active role in the sending operation.

Suitable third party mailers are preferably high volume electronic mailing companies, that send out hundreds of thousands or even millions of messages per month. An exemplary  
5 such company is e-Commercial.com, Inc. based in Southern California, USA. The third party may or may not take part in initially producing the advertising messages, and may or may not take part in customizing the advertising messages. The third party would almost certainly charge for its services, most likely on an incremental basis as a function of the number of messages communicated to prospects, the length of the advertising messages, and so on.

10 Because of the high traffic involved, the third party may advantageously employ outbound trafficking technologies such as those described in PCT application serial no. PCT/US99/22948; and U.S. Provisional applications serial nos. 60/158926, 60/158925, and 60/158993, all filed October 12, 1999, each of which is incorporated herein by reference.

Communication of the advertising message(s) to the selected prospects preferably  
15 takes place electronically via a public access network such as the Internet, but may additionally or alternatively take place by any suitable method. It is, for example, contemplated that such communication may take place, at least for some prospects, by e-mail, facsimile, or even physically carried postal type mail.

At least some of the prospects will actually receive the advertising message(s), and  
20 can be referred to as recipients. At least some of the recipients will respond to the advertising message(s) in some manner, such as by using a computer to open an e-mail, sending a return e-mail, or perhaps by clicking through a hyperlink on the advertising message to a web site (not shown). The web site may or may not belong to a corresponding advertiser, and may or may not even be hosted by the advertiser. At the web site the prospect may provide  
25 identifying information such as a name or account number, or may simply browse the web site. In any event is contemplated that some tracking information can be obtained from actions of the prospect either by interacting directly with the advertising message or its carrier, or at a web site to which the recipient links.

In a more sophisticated case, a unique identification code may be included in the  
30 advertising message or its carrier, and that code can be employed to track click- throughs,

forwarding, opening and playing of the advertising message, and so forth. The advertising message(s) may also be authenticated. The tracking is preferably performed by a tracking system, which may advantageously be hosted by a third party mailing house. Details of preferred embodiments of such tracking, including descriptions of identification codes and securing of advertising messages, are described in PCT application serial no. PCT/US99/23824, filed December 13, 1999, which is incorporated herein by reference.

A response may occur through some medium other than that used to deliver the advertising message. One simple example is where the advertising message motivates the prospect to physically visit a retail store or other outlet to make a purchase. Regardless of how the prospect responds, at least some tracking information is preferably reported back to the marketing agent. Such information may be valuable in closing a sale, or at the very least in making future selections of prospects and advertising messages. One particularly advantageous method of responding involves the prospect engaging an icon, button, or other trigger that sends a message back to either the originating agent or some other agent. The message may, for example, ask that the agent call the prospect on the telephone, or send additional information. A system that provides such phone response tracking is Instantcall™. As another example, the message may open a chat room type dialog between prospect and agent, such as that provided by Eyecontact™. Such responses are highly desirable because they initiate a substantially synchronous link between the prospect and the agent.

There is a wide range of information that can be tracked. Preferred tracking systems track at least one of the following: (a) a length of time that the recipient viewed the message; (b) a length of time that the recipient viewed a portion of the message; (c) an address to which the recipient forwarded the message; and (c) a piece of information relating to a hyperlink contained in the message and utilized by the recipient.

Where a third party mailer is used, the third party may tabulate or in some other manner summarize the tracking information, and provide that information back to the initiating marketing agent, or some other agent. Here again this communication most preferably occurs across a public access network such as the Internet, as depicted by arrow 230. One particularly valuable type of information that can be provided to the agent is a sorting of prospects by action. Such sortings allow the agent to allocate his or her time more

efficiently, by prioritizing or taking different steps with respect to prospects as a function of the actions taken by the prospects.

The manager may exert control over marketing activities of the marketing agents in any number of ways. Among the most useful ways of exerting control are modifying the number or kind of prospects or advertising messages to whom a marketing agent has access. Another valuable control may be the number of sends that a marketing agent is authorized to make, perhaps for a given time period. It is especially contemplated that a given manager will control multiple marketing agents, and in such circumstances it may be useful for the manager to adjust the resources available to the various agents relative to one another, including database and allocated sends. In particular, the manager may exercise at least some control over a relationship between the set of prospect information provided to the marketing agent and the second set of prospect information provided to the second marketing agent. The manager may alternatively or additionally exercise at least some control over a relationship between the set of advertising messages provided to the marketing agent and the second set of advertising messages provided to the second marketing agent. The manager may alternatively or additionally exercise at least some control over a relationship between the authorized number of sends allocated to the marketing agent and an authorized number of sends allocated to the second marketing agent.

The manager may exert control over marketing activities of the marketing agents according to any number of criteria. One especially contemplated such criterion is the manager considering a percentage of responses received by the marketing agent relative to a number of sends initiated by the marketing agent. Another contemplated criterion may be the number of sales of one marketing agent relative to another. Still other contemplated criteria relate to how many agents are within a given tier in a multi-tier structure, or how many agents or tiers are below a given agent. Thus, a company may contract to provide marketing services as discussed herein, and utilize five first-tier agents in that regard. Each of the first-tier agents may sign up two or three second-tier agents, who may in turn sign up third tier agents. At each level some or all of the agents may be companies or other organizations, individuals, or even machines.

In Figure 2 a method of conducting an advertising campaign 200 comprises the steps of: providing a marketing environment having a marketing agent and a manager cooperating

on the advertising campaign 210; providing the marketing agent with a set of prospect information and a set of advertising messages 220; the marketing agent taking an active role in at least one of: (a) selecting a recipient from the set of prospect information; (b) selecting a message from the set of advertising messages; and (c) electronically sending the message to the recipient 230; the recipient electronically responding to the message 240; tracking the recipient electronically responding to the message 250; and the manager exercising at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent 260.

As should now be apparent, a significant advantage to the above-described methods and systems is that they allow sales and marketing people to rapidly distinguish among suspects, prospects, and qualified prospects. This should be especially beneficial to insurance companies, health care providers, and other entities that market by winnowing down multiple leads to focus on qualified prospects. The addition of management oversight greatly facilitates control of that process.

Thus, specific embodiments and applications of agent managed virtual prospecting have been disclosed. It should be apparent, however, to those skilled in the art that many more modifications besides those already described are possible without departing from the inventive concepts herein. The inventive subject matter, therefore, is not to be restricted except in the spirit of the appended claims. Moreover, in interpreting both the specification and the claims, all terms should be interpreted in the broadest possible manner consistent with the context. In particular, the terms “comprises” and “comprising” should be interpreted as referring to elements, components, or steps in a non-exclusive manner, indicating that the referenced elements, components, or steps may be present, or utilized, or combined with other elements, components, or steps that are not expressly referenced.

## CLAIMS

What is claimed is:

1. A method of conducting an advertising campaign, comprising:  
providing a marketing environment having a marketing agent and a manager  
5 cooperating on the advertising campaign;  
providing the marketing agent with a set of prospect information and a set of  
advertising messages;  
the marketing agent taking an active role in at least one of: (a) selecting a recipient  
from the set of prospect information; (b) selecting a message from the set of  
10 advertising messages; and (c) electronically sending the message to the  
recipient;  
the recipient electronically responding to the message;  
tracking the recipient electronically responding to the message; and  
the manager exercising at least some control over at least one of: (a) the set of  
15 prospect information provided to the marketing agent; (b) the set of  
advertising messages provided to the marketing agent; and (c) an authorized  
number of sends allocated to the marketing agent.
2. The method of claim 1 wherein the marketing environment includes at least two tiers.
3. The method of claim 1 wherein the multi-tiered marketing environment includes at  
20 least two tiers and at least two different companies.
4. The method of claim 1 wherein the set of prospect information comprises a plurality  
of data items stored in a prospects database.
5. The method of claim 1 wherein the set of advertising messages includes an  
advertising logo.
- 25 6. The method of claim 1 wherein the set of advertising messages includes a rich media  
electronic advertisement.
7. The method of claim 1 wherein the set of advertising messages includes an executable  
rich media electronic advertisement.

8. The method of claim 1 wherein the step of the marketing agent selecting the recipient includes the marketing agent selecting the recipient as part of a group of recipients.
9. The method of claim 1 wherein the step of the marketing agent selecting a message includes the marketing agent selecting a plurality of messages for co-transmission to the recipient.
10. The method of claim 1 wherein the step of the marketing agent taking an active role in sending the message includes the marketing agent initiating the sending of the message using an e-mail interface.
11. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the recipient opening the message using a computer.
12. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the message having multiple pages, and the recipient navigating between at least two of the multiple pages.
13. The method of claim 1 wherein the step of tracking the response includes the recipient displaying the message using a computer, and the computer sending an item of tracking information to a tracking system.
14. The method of claim 1 wherein the step of providing the marketing agent with a piece of information relating to the response includes displaying to the marketing agent at least one of: (a) a length of time that the recipient viewed the message; (b) a length of time that the recipient viewed a portion of the message; (c) an address to which the recipient forwarded the message; and (c) a piece of information relating to a hyperlink contained in the message and utilized by the recipient.
15. The method of claim 1 wherein the step of the manager exercising at least some control includes the manager considering a percentage of responses received by the marketing agent relative to a number of sends initiated by the marketing agent.

16. The method of claim 1 further comprising:  
providing a second marketing agent with a second set of prospect information and a  
second set of advertising messages. the second marketing agent distinct from  
the first marketing agent;

5 the second marketing agent taking an active role in at least one of: (a) selecting a  
second recipient from the second set of prospect information: (b) selecting a  
second message from the second set of advertising messages: and (c)  
electronically sending the second message to the second recipient:

the second recipient electronically responding to the second message;

10 tracking the second recipient electronically responding to the second message.

17. The method of claim 16 further comprising the manager exercising at least some  
control over a relationship between the set of prospect information provided to the  
marketing agent and the second set of prospect information provided to the second  
marketing agent.

15 18. The method of claim 16 further comprising the manager exercising at least some  
control over a relationship between the set of advertising messages provided to the  
marketing agent and the second set of advertising messages provided to the second  
marketing agent.

19. The method of claim 16 further comprising the manager exercising at least some  
20 control over a relationship between the authorized number of sends allocated to the  
marketing agent and an authorized number of sends allocated to the second marketing  
agent.



**AMENDED CLAIMS**

[received by the International Bureau on 11 January 2001 (11.01.01);  
original claims 1 and 3 amended; remaining claims unchanged (1 page)]

1. A method of conducting an advertising campaign, comprising:  
providing a multi-tiered marketing environment wherein the marketing environment comprises a human marketing agent and a manager cooperating on the advertising campaign;  
providing the marketing agent with a set of prospect information and a set of advertising messages;  
the marketing agent taking an active role in at least one of: (a) selecting a recipient from the set of prospect information; (b) selecting a message from the set of advertising messages; and (c) electronically sending the message to the recipient;  
the recipient electronically responding to the message;  
tracking the recipient electronically responding to the message; and  
the manager exercising at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent.
2. The method of claim 1 wherein the multi-tiered marketing environment includes at least two tiers.
3. The method of claim 1 wherein the multi-tiered marketing environment includes at least two different companies.
4. The method of claim 1 wherein the set of prospect information comprises a plurality of data items stored in a prospects database.
5. The method of claim 1 wherein the set of advertising messages includes an advertising logo.
6. The method of claim 1 wherein the set of advertising messages includes a rich media electronic advertisement.

1/2

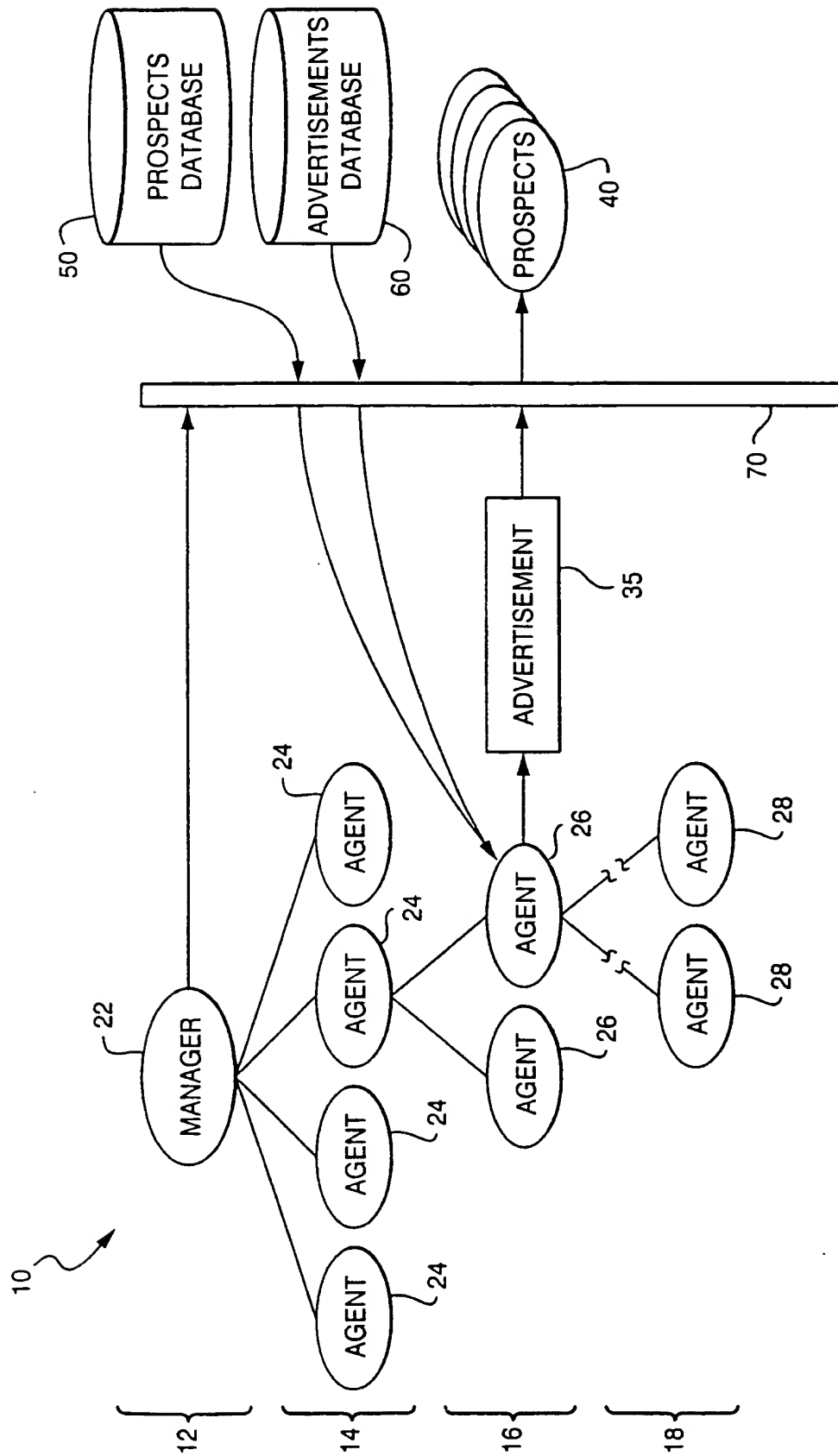
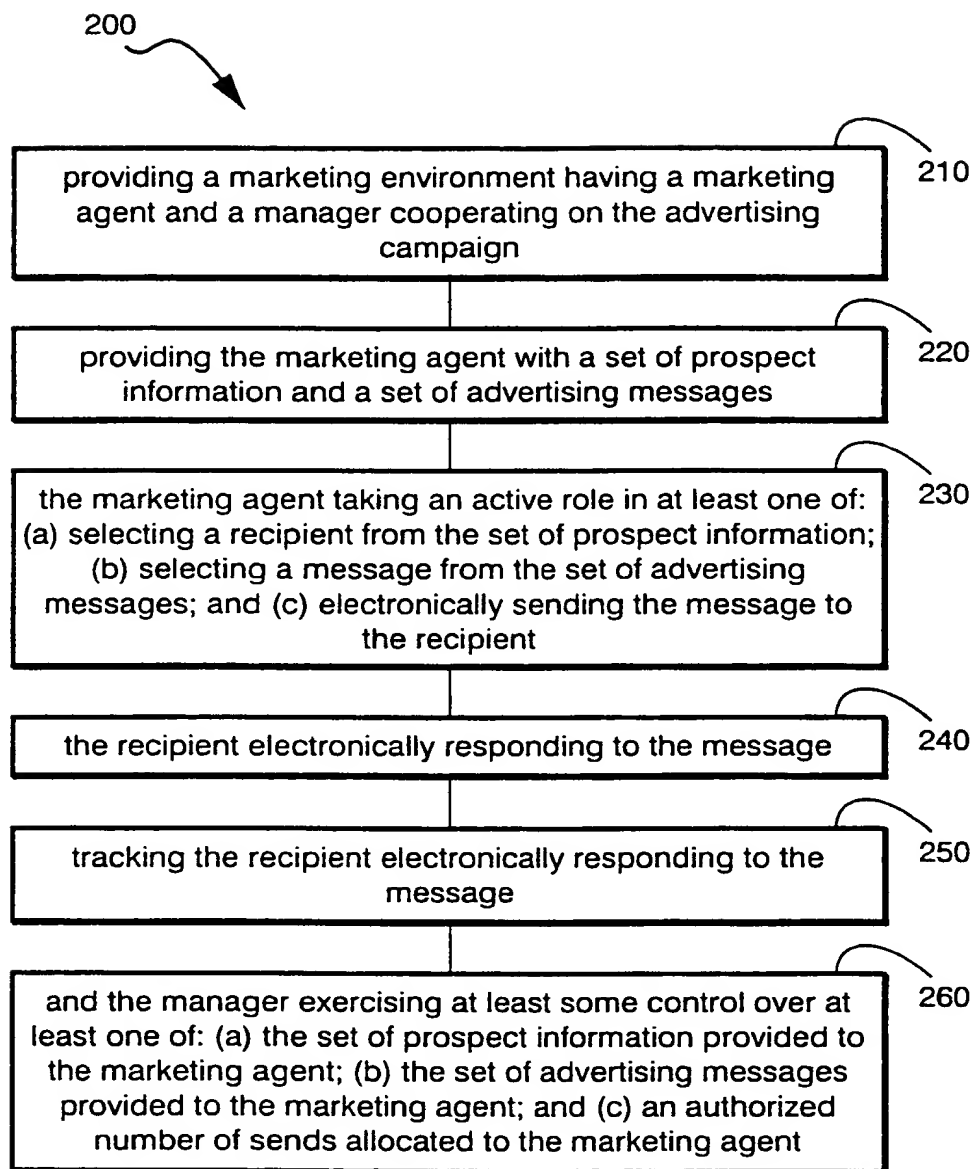


FIG. 1

*FIG. 2*

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/07913

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : G06F 17/60

US CL : 705/14

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/14, 10, 26, 27, 1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Proquest Direct

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 6,026,369 A (CAPEK) 15 February 2000 (15.02.2000) See Col. 2, lines 1-45, Col. 3 line 1-Col. 4 line 65, Figure 1, Figure 3	1-19
Y	US 5,933,811 A (ANGLES et al) 03 August 1999 (03.08.1999) See Col. 2 line 45-Col. 4 line 47, Col. 15, lines 40-55, Col. 15 line 65-Col. 16 line 15, Figures 4, 9	1-8, 11, 13-19
Y	US 5,937,392 A (ALBERTS) 10 August 1999 (10.08.1999) See Abstract, Figure 1, Col. 1 line 55-Col. 2 line 40, Col. 3 line 25-Col. 4 line 27	1-2, 5-7, 9, 11-16
Y	US 5,960,409 A (WEXLER) 28 September 1999 (28.09.1999) See Col. 1 line 40-Col. 2 line 61, Col. 3 line 11-Col. 6 line 28	1, 5-7, 11, 13-16
Y	US 5,848,397 A (MARSH et al) 08 December 1998 (08.12.1998) See Figure 4, 8, Col. 2 line 65-Col. 4 line 44	10
Y	US 5,948,061 A (MERRIMAN et al) 07 September 1999 (07.09.1999) See entire document	1, 5-7, 11, 13-16
A,E	US 6,055,510 A (HENRICK et al) 25 April 2000 (25.04.2000) See entire document	1-19
Y	Doubleclick, "Doubleclick Debuts New Tool for Testing Creative on the Web", news release, Dialog File 613:PR Newswire, 2 pages, 20 May 1996	1, 5-7, 13-15

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

25 May 2000 (25.05.2000)

Date of mailing of the international search report

14 NOV 2000

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer

Emanuel T Voeltz *James A. Matthews*  
Telephone No. (703)305-9700

REC'D 06 APR 2001

WIPO

PCT

Applicant's or agent's file reference 302.35-PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/07913	International filing date (day/month/year) 24 March 2000 (24.03.2000)	Priority date (day/month/year) NONE
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/14		
Applicant MINDARROW SYSTEMS, INC.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 11 January 2001 (11.01.2001)	Date of completion of this report 23 February 2001 (23.02.2001)	
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer James Trammell <i>James R. Matthews</i> Telephone No. (703)305-9700	

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☐ the international application as originally filed.
- ☒ the description:  
pages 1-10 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages NONE, as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages 11-13, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-2, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☒ The amendments have resulted in the cancellation of:**

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS (Rule 70.7)**

Claims 1-19 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the following:

As per amended claim 1, the prior art does not teach or fairly suggest a method of conducting an advertising campaign wherein a multi tiered marketing environment specifically includes a human marketing agent that takes an active role in matching a particular advertising message to a particular recipient and electronically sends the message to the recipient.

Claims 2-19 are dependent upon claim 1 and meet the criteria set out in PCT Article 33(2)-(4) for reasons stated above with respect to claim 1.

----- NEW CITATIONS -----

NONE

REPLACED BY  
ART 34 AMEND

PCP/US 00/07913

## CLAIMS

What is claimed is:

1. A method of conducting an advertising campaign, comprising:  
providing a marketing environment having a marketing agent and a manager  
5 cooperating on the advertising campaign;  
providing the marketing agent with a set of prospect information and a set of  
advertising messages;  
the marketing agent taking an active role in at least one of: (a) selecting a recipient  
from the set of prospect information; (b) selecting a message from the set of  
10 advertising messages; and (c) electronically sending the message to the  
recipient;  
the recipient electronically responding to the message;  
tracking the recipient electronically responding to the message; and  
the manager exercising at least some control over at least one of: (a) the set of  
15 prospect information provided to the marketing agent; (b) the set of  
advertising messages provided to the marketing agent; and (c) an authorized  
number of sends allocated to the marketing agent.
2. The method of claim 1 wherein the marketing environment includes at least two tiers.
3. The method of claim 1 wherein the multi-tiered marketing environment includes at  
20 least two tiers and at least two different companies.
4. The method of claim 1 wherein the set of prospect information comprises a plurality  
of data items stored in a prospects database.
5. The method of claim 1 wherein the set of advertising messages includes an  
advertising logo.
- 25 6. The method of claim 1 wherein the set of advertising messages includes a rich media  
electronic advertisement.
7. The method of claim 1 wherein the set of advertising messages includes an executable  
rich media electronic advertisement.



8. The method of claim 1 wherein the step of the marketing agent selecting the recipient includes the marketing agent selecting the recipient as part of a group of recipients.
9. The method of claim 1 wherein the step of the marketing agent selecting a message includes the marketing agent selecting a plurality of messages for co-transmission to the recipient.
- 5
10. The method of claim 1 wherein the step of the marketing agent taking an active role in sending the message includes the marketing agent initiating the sending of the message using an e-mail interface.
11. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the recipient opening the message using a computer.
- 10
12. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the message having multiple pages, and the recipient navigating between at least two of the multiple pages.
13. The method of claim 1 wherein the step of tracking the response includes the recipient displaying the message using a computer, and the computer sending an item of tracking information to a tracking system.
- 15
14. The method of claim 1 wherein the step of providing the marketing agent with a piece of information relating to the response includes displaying to the marketing agent at least one of: (a) a length of time that the recipient viewed the message; (b) a length of time that the recipient viewed a portion of the message; (c) an address to which the recipient forwarded the message; and (c) a piece of information relating to a hyperlink contained in the message and utilized by the recipient.
- 20
15. The method of claim 1 wherein the step of the manager exercising at least some control includes the manager considering a percentage of responses received by the marketing agent relative to a number of sends initiated by the marketing agent.
- 25

16. The method of claim 1 further comprising:

providing a second marketing agent with a second set of prospect information and a second set of advertising messages, the second marketing agent distinct from the first marketing agent;

5 the second marketing agent taking an active role in at least one of: (a) selecting a second recipient from the second set of prospect information; (b) selecting a second message from the second set of advertising messages; and (c) electronically sending the second message to the second recipient;

10 the second recipient electronically responding to the second message; tracking the second recipient electronically responding to the second message.

17. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the set of prospect information provided to the marketing agent and the second set of prospect information provided to the second marketing agent.

15 18. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the set of advertising messages provided to the marketing agent and the second set of advertising messages provided to the second marketing agent.

20 19. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the authorized number of sends allocated to the marketing agent and an authorized number of sends allocated to the second marketing agent.

**IN THE INTERNATIONAL BUREAU (WIPO)**

<b>International Application Number</b>	<b>International Filing Date</b>	<b>International Earliest Priority Date</b>
PCT/US00/07913	24 March 2000	None

Title of Invention: **Agent Managed Virtual Prospecting**  
Applicant: **MindArrow Systems, Inc.**

International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

**LETTER FOR PCT ARTICLE 19  
(PCT SECTION 205)**

1. Applicant herewith submits replacement sheets(s) number(ed) **11-13** to replace sheet(s) number(ed) **11-13** originally filed for this application.

2. In respect of each claim appearing in the international application based on the replacement sheets submitted herewith, and in accordance with PCT Section 205, the following claim(s) is/are:

- (i) unchanged: claim(s) 2, 4-19
- (ii) cancelled: claim(s) 0
- (iii) new: claim(s) 0
- (iv) replacement of one or more claims as filed, as follows: 1 and 3
- (v) the result of the division of one or more claims as filed, as follows: 0

Dear Sir:

The Search Report dated 14 November 2000 designated 8 references as being relevant to patentability. In response, Claims 1, and 3 have been revised.

**Revised Claim 1**

A method of conducting an advertising campaign, comprising:  
providing a **multi-tiered** marketing environment having a **human** marketing agent  
and a manager cooperating on the advertising campaign;

providing the marketing agent with a set of prospect information and a set of advertising messages;

the marketing agent taking an active role in:

**i. matching a particular advertising message to a particular recipient and**

**ii. electronically sending the message to the recipient;**

the recipient electronically responding to the message;

tracking the recipient electronically responding to the message; and

the manager exercising at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent.

### **Revised Claim 3**

The method of claim 1 wherein the multi-tiered marketing environment includes [at least two tiers and] at least two different companies.

### **Overview of the cited references and claimed subject matter**

All of the cited references are directed to subject matter designed to distribute relatively large numbers of advertisements, and therefore a computer or some other computational device is necessarily used to select a group of recipients to receive advertisements. The selection of the group is usually based on criteria contained in a recipient profile. Conversely, the present claims focus on the human action of matching a particular recipient to a particular advertisement.

### **Capek (US Patent 6026369)**

The Office considers claims 1-19 to be obvious over Capek. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 2-19 upon claim 1.

Capek teaches matching of a "placement request" to a recipient's profile. By matching to a profile, Capek selects a class of recipients to receive a particular ad, not a particular recipient. In contrast, the present claims, however, recite matching of a "particular advertising message to a particular recipient."

Even if Capek could be said to match a particular message to a particular recipient, the same entity does not also send the message to the recipient. In Capek, the control distribution node matches a "placement request" to a profile, but the access provider node sends the message to the recipient. In the presently amended claims, however, ~~the agent does both the~~ matching of the message to the recipient and the sending of the message to the recipient.

Even if having the agent match and send could be considered obvious, substituting a human for either the control distribution node or the advertising node is not obvious because the words "access provider" and "node" both suggest a computer or similar device. Additionally, the functions of the nodes do not require or even suggest any human interaction.

**Angels et al. (Angels) (US Patent 5933811)**

The Office considers claims 1-8, 11, and 13-19 to be obvious over Angels. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 2-8, 11, and 13-19 upon claim 1.

Angels teaches a computer that matches and sends advertisements. Angels states, "The advertisement provider's ~~computer~~ stores demographic information about consumers and sends customized advertisements to the consumers based on the consumer's demographic profile..." In contrast, the presently amended claims all recite a human that matches messages to recipients and sends the message. Nothing in Angels teaches, suggests, or motivates one of ordinary skill in the field of electronic direct marketing to substitute a human to perform the automated functions of the advertisement provider.

**Alberts (US Patent 5937392)**

The Office considers claims 1-2, 5-7, 9, and 11-16 to be obvious over Alberts. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 2, 5-7, 9 and 11-16 upon claim 1.

Alberts teaches a system that serves ads using "rotation control." Based on the language used in the reference and the functions being performed in the reference, Alberts suggest an automated system, not a system that has a human taking an active role. For example, the function of "rotation control" is one that is generally handled by a computer because of the potential for a human to make mistakes in the rotation. The reference includes language that "allows ads to be served in a highly flexible and accurate manner." High flexibility and

accuracy also suggest use of a computer, not a human. Additionally, the words “server” and “controller” do not teach, suggest, or motivate one of ordinary skill to contemplate using a human.

**Wexler (US Patent 5960409)**

The Office considers claims 1, 5-7, 11, and 13-16 to be obvious over Wexler. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 5-7, 11, and 13-16 upon claim 1.

Wexler is a system where the recipient decides whether to respond to a banner ad placed on his Web browser. Wexler teaches against the inventive subject matter because while Wexler teaches a system where the recipient matches an ad to himself, the inventive subject matter teaches an agent that matches an ad to a recipient.

Even if Wexler does not teach against the inventive subject matter, it does not teach, suggest, or motivate one of ordinary skill to substitute a human for any of the functions described therein.

**Marsh et al. (Marsh) (US Patent 5848397)**

The Office considers claim 10 to be obvious over Marsh. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claim 10 upon claim 1.

Marsh teaches against the inventive subject matter because Marsh teaches that “e-mail messages come from a different source than that of the advertisements”, but the inventive subject matter teaches a single source (the agent) from which both the advertisements and the messages originate.

Even if Marsh does not teach against the inventive subject matter, nothing in Marsh teaches, suggests, or motivates one of ordinary skill in the field to substitute a human for any of the entities in Marsh. All of the language and figures relate to a completely automated system.

**Merriman et al. (Merriman) (US Patent 5948061)**

The Office considers claims 1, 5-7, 11, and 13-16 to be obvious over Merriman. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 5-7, 11, and 13-16 upon claim 1.


In Merriman, a ~~non-human~~ advertising server process (ASP) ~~sends the message~~ to the recipient while in the present subject matter the entity that sends the message to the recipient is human (the agent). The reference says, the ASP "is provided as a node of a network" which suggests that the ASP is some non-human device. The presently amended claims, however, all recite a ~~single entity (the agent) that is both human and electronically sends the message~~ to the recipient. Nothing in Merriman teaches, suggests, or motivates one of ordinary skill in the field to substitute a human for the ASP.

**DoubleClick Debuts New Tool For Testing Creative on the Web (DoubleClick)**

The Office considers claims 1, 5-7, and 13-15 to be obvious over Doubleclick. The applicants disagree, especially in view of the amendments to claim 1 herein, and by virtue of the dependence of claims 5-7 and 13-15 upon claim 1.

The system described in Doubleclick matches ~~groups of recipients~~ to messages by variables such as company type, company size, domain, and time of day. The present claims are all amended herein to recite matching a particular advertisement to a ~~particular recipient~~. The reference does not point to a ~~particular recipient~~, and nothing in the reference suggests, teaches, or motivates one of ordinary skill in the art to match a particular ad to a particular recipient.

Respectfully submitted,

---

Robert D. Fish, Esq.

Fish & Associates, LLP  
1440 N. Harbor Blvd., Suite 706  
Fullerton, CA 92835 USA  
Tel: 714-449-2337  
Fax: 714-449-2339

## CLAIMS

What is claimed is:

1. A method of conducting an advertising campaign, comprising:  
providing a multi-tiered marketing environment wherein the marketing environment comprises a human marketing agent and a manager cooperating on the advertising campaign;  
providing the marketing agent with a set of prospect information and a set of advertising messages;  
the marketing agent taking an active role in at least one of: (a) selecting a recipient from the set of prospect information; (b) selecting a message from the set of advertising messages; and (c) electronically sending the message to the recipient;  
the recipient electronically responding to the message;  
tracking the recipient electronically responding to the message; and  
the manager exercising at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent.
2. The method of claim 1 wherein the multi-tiered marketing environment includes at least two tiers.
3. The method of claim 1 wherein the multi-tiered marketing environment includes at least two different companies.
4. The method of claim 1 wherein the set of prospect information comprises a plurality of data items stored in a prospects database.
5. The method of claim 1 wherein the set of advertising messages includes an advertising logo.
6. The method of claim 1 wherein the set of advertising messages includes a rich media electronic advertisement.



7. The method of claim 1 wherein the set of advertising messages includes an executable rich media electronic advertisement.
8. The method of claim 1 wherein the step of the marketing agent selecting the recipient includes the marketing agent selecting the recipient as part of a group of recipients.
9. The method of claim 1 wherein the step of the marketing agent selecting a message includes the marketing agent selecting a plurality of messages for co-transmission to the recipient.
10. The method of claim 1 wherein the step of the marketing agent taking an active role in sending the message includes the marketing agent initiating the sending of the message using an e-mail interface.
11. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the recipient opening the message using a computer.
12. The method of claim 1 wherein the step of the recipient electronically responding to the message includes the message having multiple pages, and the recipient navigating between at least two of the multiple pages.
13. The method of claim 1 wherein the step of tracking the response includes the recipient displaying the message using a computer, and the computer sending an item of tracking information to a tracking system.
14. The method of claim 1 wherein the step of providing the marketing agent with a piece of information relating to the response includes displaying to the marketing agent at least one of: (a) a length of time that the recipient viewed the message; (b) a length of time that the recipient viewed a portion of the message; (c) an address to which the recipient forwarded the message; and (d) a piece of information relating to a hyperlink contained in the message and utilized by the recipient.
15. The method of claim 1 wherein the step of the manager exercising at least some control includes the manager considering a percentage of responses received by the marketing agent relative to a number of sends initiated by the marketing agent.
16. The method of claim 1 further comprising:

providing a second marketing agent with a second set of prospect information and a second set of advertising messages, the second marketing agent distinct from the first marketing agent;

the second marketing agent taking an active role in at least one of: (a) selecting a second recipient from the second set of prospect information; (b) selecting a second message from the second set of advertising messages; and (c) electronically sending the second message to the second recipient;

the second recipient electronically responding to the second message;

tracking the second recipient electronically responding to the second message.

17. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the set of prospect information provided to the marketing agent and the second set of prospect information provided to the second marketing agent.
18. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the set of advertising messages provided to the marketing agent and the second set of advertising messages provided to the second marketing agent.
19. The method of claim 16 further comprising the manager exercising at least some control over a relationship between the authorized number of sends allocated to the marketing agent and an authorized number of sends allocated to the second marketing agent.

## PCT REQUEST

604.35-PCT

Original (for SUBMISSION) - printed on 24.03.2000 04:03:44 PM

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	
0-3	Name of receiving Office and "PCT International Application"	
0-4	Form - PCT/RO/101 PCT Request Prepared using	PCT-EASY Version 2.90 (updated 01.01.2000)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	United States Patent and Trademark Office (USPTO) (RO/US)
0-7	Applicant's or agent's file reference	604.35-PCT
I	Title of invention	AGENT MANAGED VIRTUAL PROSPECTING
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	ECOMMERCIAL.COM, INC.
II-5	Address:	101 Enterprise, #340 Aliso Viejo, CA 92656 United States of America
II-6	State of nationality	US
II-7	State of residence	US
II-8	Telephone No.	949-916-8705
II-9	Facsimile No.	949-916-8713
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	MCEWAN, Rick
III-1-5	Address:	eCommercial.com, Inc. 101 Enterprise, #340 Aliso Viejo, CA 92656 United States of America
III-1-6	State of nationality	US
III-1-7	State of residence	US

## PCT REQUEST

604.35-PCT

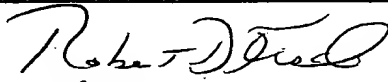
Original (for SUBMISSION) - printed on 24.03.2000 04:03:44 PM

III-2	<b>Applicant and/or inventor</b>	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	WOLFINGTON, Scott
III-2-5	Address:	eCommercial.com, Inc. 101 Enterprise, #340 Aliso Viejo, CA 9265 United States of America
III-2-6	State of nationality	US
III-2-7	State of residence	US
IV-1	<b>Agent or common representative; or address for correspondence</b> The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	FISH, Robert
IV-1-2	Address:	Fish & Associates, LLP 1440 N. Harbor Blvd. Suite 706 Fullerton, CA 92835 United States of America
IV-1-3	Telephone No.	714-449-2337
IV-1-4	Facsimile No.	714-449-2339
IV-1-5	e-mail	RFish@fishandassociates.com
V	<b>Designation of States</b>	
V-1	Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AP: GH GM KE LS MW SD SL SZ TZ UG ZW and any other State which is a Contracting State of the Harare Protocol and of the PCT EA: AM AZ BY KG KZ MD RU TJ TM and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT EP: AT BE CH&LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE and any other State which is a Contracting State of the European Patent Convention and of the PCT OA: BF BJ CF CG CI CM GA GN GW ML MR NE SN TD TG and any other State which is a member State of OAPI and a Contracting State of the PCT

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V-2	National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AE AL AM AT (patent and utility model) AU AZ BA BB BG BR BY CA CH&LI CN CR CU CZ (patent and utility model) DE (patent and utility model) DK (patent and utility model) DM EE (patent and utility model) ES FI (patent and utility model) GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MA MD MG MK MN MW MX NO NZ PL PT RO RU SD SE SG SI SK (patent and utility model) SL TJ TM TR TT TZ UA UG US UZ VN YU ZA ZW	
V-5	Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.		
V-6	Exclusion(s) from precautionary designations	NONE	
VI	Priority claim	NONE	
VII-1	International Searching Authority Chosen	United States Patent and Trademark Office (USPTO) (ISA/US)	
VIII	Check list	number of sheets	electronic file(s) attached
VIII-1	Request	4	-
VIII-2	Description	10	-
VIII-3	Claims	3	-
VIII-4	Abstract	1	abstract1.txt
VIII-5	Drawings	2	-
VIII-7	TOTAL	20	
VIII-8	Accompanying items	paper document(s) attached	electronic file(s) attached
VIII-8	Fee calculation sheet	✓	-
VIII-16	PCT-EASY diskette	-	diskette
VIII-18	Figure of the drawings which should accompany the abstract	1	
VIII-19	Language of filing of the international application	English	
IX-1	Signature of applicant or agent		
IX-1-1	Name (LAST, First)	FISH, Robert	

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## FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/US
10-6	Transmittal of search copy delayed until search fee is paid	

## FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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**PCT (ANNEX - FEE CALCULATION SHEET)**

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(This sheet is not part of and does not count as a sheet of the international application)

<b>0</b>	<b>For receiving Office use only</b>	
<b>0-1</b>	International Application No.	
<b>0-2</b>	Date stamp of the receiving Office	
<b>0-4</b>	<b>Form - PCT/RO/101 (Annex)</b>	
<b>0-4-1</b>	PCT Fee Calculation Sheet Prepared using	<b>PCT-EASY Version 2.90 (updated 01.01.2000)</b>
<b>0-9</b>	Applicant's or agent's file reference	<b>604.35 - PCT</b>
<b>2</b>	Applicant	<b>ECOMMERCIAL.COM, INC., et al.</b>
<b>12</b>	<b>Calculation of prescribed fees</b>	<b>fee amount/multiplier      total amounts (USD)</b>
<b>12-1</b>	Transmittal fee <b>T</b>	<b>⇒      240</b>
<b>12-2</b>	Search fee <b>S</b>	<b>⇒      700</b>
<b>12-3</b>	International fee Basic fee (first 30 sheets) <b>b1</b>	<b>427</b>
<b>12-4</b>	Remaining sheets	<b>0</b>
<b>12-5</b>	Additional amount <b>(X)</b>	<b>10</b>
<b>12-6</b>	Total additional amount <b>b2</b>	<b>0</b>
<b>12-7</b>	<b>b1 + b2 =      B</b>	<b>427</b>
<b>12-8</b>	Designation fees Number of designations contained in international application	<b>83</b>
<b>12-9</b>	Number of designation fees payable (maximum 8)	<b>8</b>
<b>12-10</b>	Amount of designation fee <b>(X)</b>	<b>92</b>
<b>12-11</b>	Total designation fees <b>D</b>	<b>736</b>
<b>12-12</b>	PCT-EASY fee reduction <b>R</b>	<b>-132</b>
<b>12-13</b>	Total International fee (B+D-R) <b>I</b>	<b>⇒      1,031</b>
<b>12-17</b>	<b>TOTAL FEES PAYABLE (T+S+I+P)</b>	<b>⇒      1,971</b>
<b>12-19</b>	Mode of payment	<b>cheque</b>
<b>12-20</b>	Deposit account instructions The receiving Office:	<b>United States Patent and Trademark Office (USPTO) (RO/US)</b>
<b>12-20-2</b>	is hereby authorized to charge any deficiency or credit any over-payment in the total fees indicated above to my deposit account	<b>✓      Robert D. Fied</b>
<b>12-20-3</b>	is hereby authorized to charge the fee for preparation and transmittal of the priority document to the International Bureau of WIPO to my deposit account	<b>✓      Robert D. Fied</b>
<b>12-21</b>	Deposit account No.	<b>500341</b>
<b>12-22</b>	Date	<b>24 March 2000 (24.03.2000)</b>

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12-23	Name and signature	FISH, Robert 
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## VALIDATION LOG AND REMARKS

13-2-4	Validation messages Priority	Green? No priority of an earlier application has been claimed. Please verify
13-2-6	Validation messages Contents	Yellow! The power of attorney or a copy of the general power of attorney will need to be furnished unless all applicants sign the request form.